been ascertained and stated to the trustee by the company issuing the same, pay or secure to the trustee the sum so ascertained and stated, and continue to hold, own, and carry such policy." *Held*, that the policies do not pass to the trustee. *Burlingham* v. *Crouse*, 24 Am. B. Rep. 632 (C. C. A., Second Circ.).

Subject to the proviso above quoted, the interest of a bankrupt in a policy on his own life, payable to himself or his personal representatives, passes to his trustee. *In re White*, 174 Fed. 333. An exception, logically indefensible, is made where the policy has no present value. *Gould* v. *New York Life Ins. Co.*, 132 Fed. 927. The earlier cases regarded the proviso as defining what policies passed to the trustee, and held that policies having no surrender value did not pass. *In re Buelow*, 98 Fed. 86; *Morris* v. *Dodd*, 110 Ga. 606. But the weight of authority now rightly denies such scope to the proviso. *In re Slingluff*, 106 Fed. 154; *In re Welling*, 113 Fed. 189; *In re Orear*, 178 Fed. 632. The principal case would seem to be justified on the theory that Congress intended to secure to the bankrupt the benefit of his investment on his accounting for its surrender value to the estate, and that the existence of a valid lien to the amount of the surrender value excuses payment. It has been held that the failure to schedule policies pledged for more than their surrender value is not fraudulent concealment. *In re Adams*, 104 Fed. 72. The Supreme Court has construed the proviso liberally by allowing its benefits where no surrender value is contracted for but the company's practice is to pay cash on surrender. *Hiscock* v. *Mertens*, 205 U. S. 202.

CONFLICT OF LAWS — PERSONAL JURISDICTION — STATUTE AUTHORIZING SERVICE OUT OF JURISDICTION. — The English Matrimonial Act provides that the co-respondent in divorce proceedings must be made a defendant and that service on him out of the country is sufficient. The defendant co-respondent was served in Scotland and objected that the court had not jurisdiction. *Held*, that such service confers jurisdiction on the English courts. *Rayment* v. *Rayment and Stuart*, [1910] P. 271.

Since the power of Parliament is supreme it may obviously grant jurisdiction to the English courts, in any cases it chooses, and the courts must carry out its commands. *Drummond* v. *Drummond*, L. R. 2 Ch. 32; *Ashbury* v. *Ellis*, [1893] A. C. 339. Any form of notice which the statute authorizes is sufficient, and it is even provided that, in the court's discretion, no notice whatsoever is necessary. 20 & 21 VICT. c. 85, § 42. But a judgment obtained in such a manner would be given no effect in other jurisdictions. *Buchanan* v. *Rucker*, 9 East 192; *D'Arcy* v. *Ketchum*, 11 How. (U. S.) 165. In the United States it has been repeatedly held that the Fourteenth Amendment necessitates a service in the jurisdiction in all personal actions. *Pennoyer* v. *Neff*, 95 U. S. 714; *Eliot* v. *McCormick*, 144 Mass. 10. Furthermore, as the courts and the legislature in the United States are regarded as co-ordinate branches of government, the former may reject, as an interference with their rights, such efforts to confer a fictitious jurisdiction on them. Thus, even before the adoption of the Fourteenth Amendment, such statutes granting jurisdiction over non-residents were disregarded. *Beard* v. *Beard*, 21 Ind. 321. But see *Dearing* v. *Bank of Charleston*, 5 Ga. 497.

CONSTITUTIONAL LAW — PRIVILEGES AND IMMUNITIES: CLASS LEGISLATION — COUNTY ORDINANCE PROHIBITING FISHING BY NON-RESIDENTS. — A statute permitted any county to pass ordinances forbidding fishing by non-residents within its limits. A county passed such an ordinance, and the defendant, a citizen of the state but a resident of another county, fished there. *Held*, that the statute is unconstitutional. *State* v. *Hill*, 53 So. 411 (Miss.).

Since *Magna Charta* it has been generally conceded that the royal prerogative did not entitle the king to grant exclusive fishing rights in navigable rivers.

See *Duke of Somerset* v. *Fogwell*, 5 B. & C. 875; 2 BL. COMM. 39. *Cf. Rogers* v. *Jones*, 1 Wend. (N. Y.) 238. This privilege is held by the sovereign for the benefit of all his subjects, and *primâ facie* any one may fish in public waters. *Carter* v. *Murcot*, 4 Burr. 2162; *Polhemus* v. *Bateman*, 60 N. J. L. 163. But at an early date the legislature granted exclusive rights to individuals, or permitted towns to exclude non-residents. BODY OF LIBERTIES, ART. 16, 28 Mass. Hist. Soc. Coll. 219; *Trustees of Brookhaven* v. *Strong*, 60 N. Y. 56. Where the grant is absolute or for a definite time, it is in the nature of a vested property right which cannot be disturbed during its term, and it is not a violation of the Fourteenth Amendment. *Lowndes* v. *Huntington*, 153 U. S. 1; *Hand* v. *Newton*, 92 N. Y. 88. As in the case of public lands, the state may grant to individuals rights in the public property. But if it gives only a revocable license, the state is merely tolerating a use of its property, — granting a privilege rather than a property right. *Slingerland* v. *International Contracting Co.*, 43 N. Y. App. Div. 215. Since the state holds the property for the benefit of all its citizens, it should not be allowed to restrict such a privilege to a few. *Cf. Harper* v. *Galloway*, 51 So. 226 (Fla.). *Contra*, *Commonwealth* v. *Hilton*, 174 Mass. 29. It could, of course, limit the privilege to citizens of the State. *Corfield* v. *Coryell*, 4 Wash. C. C. 371.

CORPORATIONS — FOREIGN CORPORATIONS — JURISDICTION OVER INTERNAL AFFAIRS. — A stockholder of a foreign corporation brought *mandamus* to compel the secretary and directors to hold a stockholder's meeting pursuant to the by-laws. The corporation had its principal office in the state, and the secretary and directors were resident there. *Held*, that the court has no jurisdiction over the corporation for this purpose. *State ex rel. Ferenez* v. *Unida Gold Mining Co.*, 32 Oh. Cir. Ct. R. 54.

As the corporation is a necessary party in an action by a stockholder to redress a grievance in the corporate management, such a proceeding is impossible unless service can be had upon the corporation. *Wilkins* v. *Thorne*, 60 Md. 253. And statutes requiring foreign corporations doing business in the state to maintain an agent therein on whom process may be served are construed by some courts as not giving jurisdiction over the internal affairs of such a corporation. *Sidway* v. *Missouri Land & Livestock Co.*, 101 Fed. 481. Usually, however, the courts recognize that they have jurisdiction, but decline to exercise it where so doing would involve, as here, ordering or restraining an act in a foreign jurisdiction, on the ground of inability to compel obedience and on the ground that the state of incorporation is the best judge of its own law governing such matters. *Kimball* v. *St. Louis & San Francisco Ry. Co.*, 157 Mass. 7. But when the transaction occurs in the state of the *forum* the latter reason has not always deterred the courts from granting relief. Thus they will compel the corporation to allow a stockholder access to its books when they are in the custody of an officer in the state. *State ex rel. Richardson* v. *Swift*, 7 Houst. (Del.) 137. And they will enjoin the carrying on of an *ultra vires* undertaking within the state when all the property and the directors are within the state. *Richardson* v. *Clinton Wall Trunk Mfg. Co.*, 181 Mass. 580.

COSTS — LIABILITY OF INFANT TO INDEMNIFY NEXT FRIEND. — The plaintiff as next friend of the defendant, an infant, properly instituted and conducted an action in the interest of the defendant, which was dismissed, with costs to be paid by the next friend. The plaintiff brought an action to recover those costs from the infant. *Held*, that the plaintiff can recover. *Steeden* v. *Walden*, [1910] 2 Ch. 393.

Apart from statute the weight of authority in England and this country seems to be that the next friend is liable for costs in the first instance. *Swain* v. *Follows*, 18 Q. B. D. 585; *Smith* v. *Gaffard*, 33 Ala. 168. However, a very respect-